

REMARKS

This paper includes a complete and timely response to the non-final Office Action mailed October 19, 2004. Upon entry of the attached amendments, claims 1 - 3, 5, 6, 8 - 14, and 20 - 30 remain pending. Independent claims 1 and 20 have been amended. Claims 4, 7, and 15 - 19 were previously canceled without prejudice, waiver, or disclaimer. The subject matter of amended claims 1 and 20 is at least supported in FIGs. 4 - 9C and described in the corresponding portions of the detailed description. Accordingly, no new matter is added to the present application.

Applicant respectfully submits that pending claims 1 - 3, 5, 6, 8 - 14, and 20 - 30 are patentable over the cited art of record. Accordingly, reconsideration and allowance of the application and presently pending claims are respectfully requested.

I. Preliminary Matters

Applicant thanks the Examiner for acknowledging the persuasiveness of Applicant's previously filed remarks. Applicant further thanks the Examiner for withdrawing the finality of the last Office Action.

II. Claim Rejections under 35 U.S.C. §103 - Claims 1 – 3, 5, 6, 8 - 14, 20, and 24 - 30

A. Statement of the Rejection

The Office Action indicates that claims 1 – 3, 5, 6, 8 - 14, 20, and 24 - 30 stand rejected under 35 U.S.C. §103(a) as allegedly being unpatentable over Gordon (U.S. Patent No. 4,250,880), hereafter "*Gordon*" in view of Bierman (U.S. Patent No. 6,689,104), hereafter "*Bierman*."

B. Discussion of the Rejection - Claims 1 – 3, 5, 6, 8 - 14, 20, and 24 - 30

In order for a claim to be properly rejected under 35 U.S.C. §103, the combined teachings of the prior art references must suggest all features of the claimed invention to one of ordinary skill in the art. See, *e.g.*, *In Re Dow Chemical*, 5 U.S.P.Q.2d 1529, 1531 (Fed. Cir. 1988), and *In re Keller*, 208 U.S.P.Q.2d 871, 881 (C.C.P.A. 1981).

Applicant respectfully submits that claims 1 - 3, 5, 6, and 8 - 14, as amended, are patentable for at least the reason that the proposed combination of *Gordon* and *Bierman* fails to disclose, teach, or suggest each feature in the amended claims. Applicant further respectfully submits that claims 20 and 24 – 30, as amended, are patentable for at least the

reason that the proposed combination of *Gordon* and *Bierman* fails to disclose, teach, or suggest each feature in these claims.

Specifically, Applicant's independent claim 1, as amended, includes at least the following features: "the first end of the sleeve securing the first tube to the tubing assembly junction;" "the second end of the sleeve securing the second tube to the tubing assembly junction;" and that the "connector sleeve engages respective elements of the assembled tubing assembly junction to restrict relative movement of the first tube and the second tube." The proposed combination of *Gordon* and *Bierman* does not disclose, teach, or suggest at least this feature of claim 1. Accordingly, claim 1 is allowable over *Gordon* and *Bierman*.

In this regard, *Gordon* (FIGs. 1 – 20) illustrates ribs 60 that traverse a trough-like section 58 of cradle 12. In operation, ribs 60 closely engage an annular ring coupled to a catheter hub 36 and a needle assembly 40. The closely spaced ribs 60 each contact a respective surface of the annular rings opposite from respective ends of what becomes a junction. Thus, the ribs 60 are not arranged and *Gordon* does not suggest first and second ends of a sleeve that secure first and second tubes to a tubing assembly junction.

Bierman, in FIGs. 1 – 16 illustrates multiple mechanisms for preventing the longitudinal, lateral, and transverse movement of multiple fixtures 12. Each of the multiple mechanisms are centrally located with respect to base 34 and engage an armature extending from or the exterior surface of fixture 12. Like, *Gordon*, the multiple mechanisms illustrated in *Bierman*, are not arranged and there is nothing that suggests first and second ends of a sleeve that secure first and second tubes to a tubing assembly junction.

For at least the reason that the proposed combination of *Gordon* and *Bierman* entirely fails to disclose, teach, or suggest at least the claimed combination of features of Applicant's claimed connector sleeve, claim 1 is not rendered obvious and is allowable over the proposed combination.

Because independent claim 1 is allowable, dependent claims 2, 3, 5, 6, 8 - 14, 28, and 29, which depend either directly or indirectly from claim 1, are also allowable. *See In re Fine*, 837, F.2d 1071, 5 U.S.P.Q.2d 1596, 1598 (Fed. Cir. 1988). Accordingly, Applicant respectfully requests that the rejection of claims 1 – 3, 5, 6, 8 – 14, 28, and 29 be withdrawn.

Applicant's independent claim 20, as amended, includes a housing configured to receive an assembled tubing assembly junction and engage respective elements of the assembled tubing assembly junction to restrict relative movement of a first tube and a second tube coupled by the tubing assembly junction. A first portion of the housing is configured to

contact a first end surface of the tubing assembly junction and a second portion of the housing is configured to contact a second end surface of the tubing assembly junction. The proposed combination of *Gordon* and *Bierman* does not disclose, teach, or suggest at least these features of claim 20. Accordingly, claim 20 is allowable over *Gordon* and *Bierman*.

In this regard, *Gordon* (FIGs. 1 – 20) illustrates ribs 60 that traverse a trough-like section 58 of cradle 12. In operation, ribs 60 closely engage an annular ring coupled to a catheter hub 36 and a needle assembly 40. The closely spaced ribs 60 each contact a respective surface of the annular rings opposite from respective end surfaces of what becomes a junction. Thus, the ribs 60 are not arranged and *Gordon* does not suggest that a first portion of the housing is configured to contact a first end surface of the tubing assembly junction and a second portion of the housing is configured to contact a second end surface of the tubing assembly junction.

Bierman, in FIGs. 1 – 16 illustrates multiple mechanisms for preventing the longitudinal, lateral, and transverse movement of multiple fixtures 12. Each of the multiple mechanisms are centrally located with respect to base 34 and engage an armature extending from or the exterior surface of fixture 12. Like, *Gordon*, the multiple mechanisms illustrated in *Bierman*, are not arranged and there is nothing that suggests that a first portion of the housing is configured to contact a first end surface of the tubing assembly junction and a second portion of the housing is configured to contact a second end surface of the tubing assembly junction.

For at least the reason that the proposed combination of *Gordon* and *Bierman* entirely fails to disclose, teach, or suggest at least the claimed combination of features of Applicant's claimed connector sleeve, claim 20 is not rendered obvious and is allowable over the proposed combination.

Because independent claim 20 is allowable, dependent claims 24 – 27 and 30, which depend either directly or indirectly from claim 20, are also allowable. *See In re Fine, supra*. Accordingly, Applicant respectfully requests that the rejection of claims 20, 24 - 27, and 30 be withdrawn.

III. Claim Rejections under 35 U.S.C. §103 - Claims 21 – 23

A. Statement of the Rejection

The Office Action further indicates that claims 21 – 23 stand rejected under 35 U.S.C. §103(a) as allegedly being unpatentable over *Gordon* in view of *Bierman*, further in view of *Graves et al.* (U.S. Patent No. 5,437,648), hereafter “*Graves*.”

B. Discussion of the Rejection - Claims 21 - 23

Applicant respectfully submits that claims 21 - 23, as amended, are patentable for at least the reason that the proposed combination fails to disclose, teach, or suggest each feature in the amended claims.

As shown above, Applicant’s independent claim 20, as amended, includes a housing that includes a first portion and a second portion. The first portion is configured to “contact a first end surface of the tubing assembly junction.” The second portion is configured to “contact a second end surface of the tubing assembly junction along the tapered inner surface.” The proposed combination of *Gordon*, *Bierman*, and *Graves* does not disclose, teach, or suggest at least these features of independent claim 20, from which claims 21 – 23 depend.

In this regard, *Graves* (FIGs. 1 – 8) illustrates a latch of a safety needle assembly. The latch 62 has a pivot arm hingedly mounted to the needle shield 52 for rotation about an axis orthogonal to the needle cannula 50 within the needle shield 52. While, *Graves*’ latch 62 contacts an end surface of a pierceable septum 46, *Graves*’ latch 62 fails to disclose, teach, or suggest first and second portions of a housing wherein the first portion is configured to “contact a first end surface of the tubing assembly junction,” and the second portion is configured to “contact a second end surface of the tubing assembly junction along the tapered inner surface.” Accordingly, dependent claims 21 – 23, which depend from and include all the features of independent claim 20, are allowable over *Gordon*, *Bierman*, and *Graves* for at least the reason that at least these features cannot be found and are not suggested by the cited references. *See In re Fine, supra*. Accordingly, Applicant respectfully requests that the rejection of claims 21 - 23 be withdrawn.

IV. Prior Art Made of Record


The prior art made of record has been considered, but is not believed to affect the patentability of the presently pending claims.

CONCLUSION

In summary, Applicant respectfully requests that all outstanding claim rejections be withdrawn. Applicant respectfully submits that all pending claims 1 - 3, 5, 6, 8 - 14, and 20 - 30 are allowable over the cited art and the present application is in condition for allowance. Accordingly, a Notice of Allowance is respectfully solicited. Should the Examiner have any comment regarding the Applicant's response or believe that a teleconference would expedite prosecution of the pending claims, Applicant requests that the Examiner telephone Applicant's undersigned attorney.

Respectfully submitted,

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